

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN M. THOMAS,	)	
Petitioner	)	
	)	
v.	)	C.A. 10-cv-30058-MAP
	)	
JAMES SABA, SUPERINTENDENT,	)	
Respondent	)	

MEMORANDUM AND ORDER REGARDING  
MOTIONS FOR CERTIFICATES OF APPEALABILITY  
(Dkt. Nos. 22 & 26)

September 10, 2010

PONSOR, D.J.

On July 8, 2010, the court issued its order allowing Respondent's Motion to Dismiss for failure to exhaust state remedies. Petitioner, acting pro se, has filed two Motions for Issuance of Certificates of Appealability (Dkt. Nos. 22 & 26).

Petitioner's failure to exhaust his available state remedies in connection with his petition pursuant to 28 U.S.C. § 2254 is obvious and, essentially, acknowledged. His failure to exhaust is fatal to the current petition. It is highly unlikely that any judicial officer reviewing the issues in this case would resolve them in a manner differently from the way I have. In sum, there simply has not been any showing of the denial of a Constitutional

right; petitioner has not raised legal questions which deserve encouragement to proceed further on appeal.

Accordingly, the Motions for Certificates of Appealability (Dkt. Nos. 22 & 26) are hereby DENIED.

It is So Ordered.

/s/ Michael A. Ponsor  
MICHAEL A. PONSOR  
U. S. District Judge